

## REMARKS

This is an Amendment in response to the outstanding Office Action and outstanding request under 37 C.F.R. 1.105. Claims 4, 8, 11 and 20 have been amended. Applicant believes the application is in a condition for allowance. Notice to that effect is respectfully requested.

The claims 4,8,11, and 20 have been amended to more distinctly set forth the claimed subject matter.

Claims 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schreier in view of Heckerman et al. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schreier in view of Heckerman et al. in light of Amini. Claims 8-13 and 15-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schreier in view of Bollacker et al. Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schreier in view of Bollacker et al. in light of Amini.

A rejection under any of the patent laws requires careful and conscious reference to the law relied upon. Applicant respectfully traverses each of the rejections on the basis that the law was not followed. Section 103(a) is repeated below for careful consideration.

35 U.S.C. §103(a) reads:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the **prior art** are such that the subject matter as a whole would have been obvious **at the time the invention was made** to a person having **ordinary skill** in the art to which said subject matter pertains. Patentability will not be negated by the manner in which the invention was made.

(Emphasis added). For related information see 37 C.F.R. 1.131. (No affidavit is necessary here as the USPTO is a witness to each of the operative dates and has expressed its testimony on each of the subject documents.)

Several points are established in the record and are beyond dispute.

- Applicant constructively reduced the invention to practice at least as early as the filing date of the application at which point the invention is deemed “made” for the purposes of 35 U.S.C. §103(a). The invention was made on or before March 12, 2004.
- The Schreier reference is “prior art” known to one of ordinary skill in the art “at the time the invention was made.” Applicant admits the content of the Schreier reference preceded the present invention.
- The Heckerman et al. reference was NOT “prior art” known to one of ordinary skill in the art “at the time the invention was made.” This reference was not known to those of ordinary skill in the art until May 2004.
- The Bollacker et al. reference was NOT “prior art” known to one of ordinary skill in the art “at the time the invention was made.” This reference was not known to those of ordinary skill in the art until March 2005.
- The Amini reference is “prior art” known to one of ordinary skill in the art “at the time the invention was made.” This reference was known to those of ordinary skill in the art in June 2003.

The Office Action does not assert that any of the references which are not prior art as of the time the invention was made to in fact be prior art nor provide any support for such an assertion. Each of the rejections are based in part upon either Heckerman or Bollacker, neither of which were prior art known to one of ordinary skill in the art at the time the present invention was made. It follows that all of the rejections, which are based upon either Heckerman or Bollacker, fail. Accordingly, Applicant requests the rejections under 35 U.S.C. §103(a) be withdrawn. Notice to that effect is respectfully requested.

The present inventive method is a new generation of a prior product and method as set forth in the background of the invention. Some of the presentations were oral although much of the information is in written form. The prior generations were paper based and did not involve electronic media. The present invention involves advancements that are achieved through use of an electronic medium, which allows for new features not heretofore been possible.

#### **RESPONSE TO REQUEST UNDER 37 C.F.R. 1.105**

The below is prepared on a claim-by-claim basis and is intended to be used as an admission against interest as to what steps prior versions of the Implications Wheel® included. Various references are included for referral, verification and interpretation as outlined on Form 1449 submitted herewith. Additional material exists and has not been produced on the grounds that it adds nothing new to the references being provided, e.g., redundant, and are therefore not material to examination.

The claim language asserted to have inventive features is reproduced as well. Each section is thereafter followed with “argument” presented to facilitate and understanding as to the basis for allowability.

Applicant requests an examiner interview involving an online demonstration of the present invention. Counsel should be contacted to arrange the demonstration.

Claim 1:

The prior versions included the steps of:

writing center text;

displaying the center text in a center node;

writing first order implications, each first order implication forming at least a part  
of an arc;

displaying each first order implication in a first order node;

connecting each first order node to the center node;

writing any desired child implications of any existing implications;

displaying the child implications in child nodes; and

connecting the child nodes to an associated parent node to form a wheel.

The present invention includes the inventive step(s) of:

preparing and displaying a summary of the wheel including only those

implications, together with any ancestor implications necessary to connect

to the center text, that are both significant implications and match any user determined auxiliary summary parameters.

Argument: Summaries of the wheel and how to construct the same was not a step anyone had taken before and were unknown. The “significant implications”, defined term in the specification, are not known until completion of the wheel. Thus, identification of the “significant implications” requires completion of the wheel as a first step. By the time the wheel was completed, the entire wheel of prior versions would be examined and summary wheels were not. Likewise, “user determined auxiliary summary parameters” were not used to make a summary wheel.

Claims 2-7 are allowable as being based on an allowable claim. Additional reasons are set forth below.

Claim 2:

The present invention includes the inventive step of:

visually rotating the wheel in a plane skewed to a plane defined by a monitor screen.

Argument: The prior art versions, written on large charts, were not reasonably susceptible to rotation. Moreover, paper, being essentially two dimensional, provided

no understandable benefit of rotation and had the disadvantage of making all the text on the charts appear skewed or upside down. The benefit of the ability to rotate was unknown and never performed.

The present inventors came to understand that enormous amounts of information could be consolidated, and still presented for interpretation, through visually rotating the wheel in a plane skewed to a plane defined by a monitor screen. Those portions being more closely examined are visually in a foreground and those portions not being closely examined are smaller and appear more distant. The smaller size allows presentation of more data in a smaller area. These steps make the product function in an improved manner.

Claim 3:

The present invention includes the inventive step of:

wherein the wheel is rotated when any node is selected; the selected node is rotated to the foreground.

Argument: The comments with regard to claim 2 apply to claim 3. On paper, everything is always in the same plane, e.g. foreground, and rotation was not done. The ability to control the rotation of the wheel on a node-by-node basis, recognizing hundreds of nodes are commonly present improves the function of the method.

Claim 4:

The present invention includes the inventive step of:

wherein the nodes forming the wheel are displayed in a diminished mode such that the implication within the node is not revealed.

Argument: In prior versions, the nodes and text were written on paper. “Diminished mode” was an unknown concept. Showing the nodes, “wherein the nodes ...are displayed”, and not revealing the text was completely unknown and unperformed. In prior versions, if the text existed, it was fixed and non-removable.

This has advantages beyond what might be done in a word processing software, where a document is reduced to an icon. Here, the node remains visible, only the text is removed. The shape, color, etc. of the nodes continues to convey a variety of information even in the absence of text. The step is a great improvement over prior versions of the Implications Wheel in that the information being considered at any moment is present and viewable, yet the information remains in a concise form, e.g., does not require multiple walls of a room for presentation.

Claim 5:

The prior versions included the step of:

fully displaying each node including revealing each implication within each node.

Argument: This claim depends on claim 4. Prior versions, as described under claim 4, did not have a diminished mode. Prior versions displayed all implications within each node at all times after writing the implication in the node.

Claim 6:

The present invention includes the inventive step of:

fully displaying a portion of the nodes, including revealing the implications within some of the nodes.

Argument: Prior versions displayed all nodes and implications in the nodes at all times subsequent to preparation. There was no diminished mode or partial diminished mode.

Claim 7:

Claim 7 includes the text:



encrypting data associated with one arc; and  
electronically distributing that arc for completion and scoring.

Argument: Prior versions of the Implications Wheel did not include these steps. Arcs were distributed for completion and scoring. Encrypting data and electronic distribution of data (and portions thereof) was generally known prior to the invention hereof. Claim 7 is asserted to be allowable due to the claims upon which it depends and not based upon the limitations found only within claim 7.

Claim 8:

The prior versions included the steps of:

- writing center text;
- displaying the center text in a center node;
- writing first order implications, each first order implication forming at least  
a part of an arc;
- displaying each first order implication in a first order node;
- connecting each first order node to the center node;
- writing any desired child implications of any existing implications;
- displaying the child implications in child nodes;
- connecting the child nodes to an associated parent node to form a wheel;
- and
- scoring the implications according to at least two view points.

The present invention includes the inventive step of:

preparing and displaying a conflict summary wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that both are significant implications and received a conflicting score between at least two different viewpoints.

Argument: See comments under claim 1. Conflict summary wheels, like summary wheels, were likewise unknown.

Claims 9-14:

Claims 9-14 have the same limitations corresponding to claims 2-7, differing in the limitations found in the base claims 1 and 8 and any intervening claims. The same comments apply.

Claim 15:

The prior versions included the steps of:

writing center text;

displaying the center text in a center node;

writing first order implications, each first order implication forming at least  
a part of an arc;  
displaying each first order implication in a first order node;  
connecting each first order node to the center node;  
writing any desired child implications of any existing implications;  
displaying the child implications in child nodes; and  
connecting the child nodes to an associated parent node to form a wheel.

The present invention includes the inventive steps of:

randomly selecting any node of any order to be scored by clicking on the  
node;  
scoring the selected node as to significance and likelihood; and  
visually removing indicia designating a node as non-scored and marking  
the node as scored once the node is scored, such marking being  
positionable inside the node, on the line defining the node and  
outside the node.

Argument: Previous versions allowed random scoring of nodes, but not by clicking on the node as a first step. Prior versions included scoring nodes as to significance and likelihood.

Prior versions did not include indicia designating a node as non-scored and as such did not include the step of “visually removing the indicia designating a node as non-scored.” In prior versions, the only manner in which someone would know the node had been considered for scoring is the actual presence of the score.

Use of the presence of a score as the indicator of the node having been scored would be wrong in two distinct situations. First, a node may not be given a score by choice, e.g., too unknown. Deciding to not give a score is scoring. Second, a node may be partially scored, but not completely scored. Due to incompleteness, the node remains un-scored. Using Indicia apart from the score itself as an indicator of being scored is correct in all situations, including the aforementioned situations. As such claim 15 identifies an improvement to the completeness and functionality not heretofore been known.

Claim 16:

The present invention includes the inventive steps of:

marking the node as scored further comprising the steps of:

coloring the inside of the node; and

changing the color of text within the node.

Argument: Text color and background color originated prior to the present invention and was found in such things as colored paper and color printers. Use of these as part of the scoring, however, keeps the work project easier to understand and interpret all information whether in the enlarged or diminished mode, going beyond a mere change in color for aesthetics. That is, those nodes that are diminished and rotated into the background, but are colored on the inside are easily identified from all other nodes. Change of text color and background color were not feasible with the prior versions. The colors remained the same in prior versions regardless of whether a node was score or unscored.

Claim 17:

The prior versions included the steps of:

distributing arcs for completion and scoring; and  
combining completed and scored arcs into a wheel.

Argument: Claim 17 depends from claims asserted allowable and claim 17 is allowable for the same reasons.

Claims 18-21:

Claims 18-21 have the same limitations corresponding to claims 2-6, differing in the limitations found in the base claims 1 and 15 and any intervening claims. The same comments apply.

## CONCLUSION

Should the Examiner be of the opinion that any minor matters remain to be settled prior to the issuance of a Notice of Allowance, a telephone call to the undersigned attorney of record is respectfully invited to assure prompt resolution thereof. Counsel may be reached at: **(763) 560-0294**

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